

1 MELODY A. KRAMER, SBN 169984  
2 KRAMER LAW OFFICE, INC.  
3 9930 Mesa Rim Road, Suite 1600  
4 San Diego, California 92121  
5 Telephone (858) 362-3150

6 J. MICHAEL KALER, SBN 158296  
7 KALER LAW OFFICES  
8 9930 Mesa Rim Road, Suite 200  
9 San Diego, California 92121  
Telephone (858) 362-3151

10 Attorneys for Plaintiff JENS ERIK SORENSEN,  
11 as Trustee of SORENSEN RESEARCH AND  
12 DEVELOPMENT TRUST

13 UNITED STATES DISTRICT COURT

14 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15 JENS ERIK SORENSEN, as Trustee of  
16 SORENSEN RESEARCH AND  
17 DEVELOPMENT TRUST,

18 Plaintiff,

19 v.  
GIANT INTERNATIONAL (USA) LTD., a  
20 Delaware corporation, and DOES 1-10,

21 Defendants.

22 And related counterclaims.

23 ) Case No. 07-CV-02121-BTM-CAB  
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1 I, MELODY A. KRAMER, declare:

2 1. I am not a party to the present action. I am over the age of eighteen. I  
3 have personal knowledge of the facts contained within the following paragraphs, and  
4 could and would competently testify thereto if called as a witness in a court of law.

5 2. At all times relevant herein I have been an attorney for Defendant  
6 Sorensen Research and Development Trust (“SRDT”), Plaintiff in the above-  
7 captioned matter.

8 3. This Declaration is being submitted in conjunction with Plaintiff’s  
9 Opposition to Defendant Giant International (USA) Ltd.’s Ex Parte Application To  
10 Continue Early Neutral Evaluation Conference.

11 4. Defendant Giant is a Delaware corporation with its principal place of  
12 business in Atlanta, Georgia. A true and correct copy of publicly available records  
13 reflecting this fact are attached hereto as Exhibit A.

14 5. Annual reports filed with the Georgia Secretary of State’s office list  
15 CEO Max Loong’s address as being in Georgia. See Exhibit A.

16 6. Those same records identify Giant’s CFO as Oscar Chung, also of  
17 Atlanta, Georgia and make no reference to Gary Yam. See Exhibit A.

18 7. Upon receipt of Defendant Giant’s motion, I “googled” Gary Yam and  
19 located a Business Week article dated August 2007 identifying Yam Kwong Chun,  
20 Gary, as being the financial controller, not of Defendant Giant International (USA)  
21 Ltd., but of Giant Wireless Technology Ltd. See Exhibit B.

22 8. The Declaration of Giant’s attorney Ms. Borland does not accurately  
23 reflect the nature and extent of pre-litigation communication between the parties.

24 9. Pre-litigation SRDT and Giant had been communicating back and forth  
25 regarding this matter since October 2004 with the exception to two periods of time  
26 when SRDT was unable to reach Giant’s counsel because of changes in law firms.  
27 By letter dated April 27, 2006, Defendant’s counsel asked for a response to another  
28 specific point, and SRDT’s counsel responded by letter May 12, 2006. Then,

inexplicably, Defendant's counsel again ceased communicating. SRDT attempted contact again by letter dated August 28, 2006 and queried whether SRDT had no other option but to file suit. No response was received.

10. Between August 2006 and September 2007, SRDT was actively involved in litigating infringement with Black & Decker, as well as wrapping up litigation with ski boot manufacturers Head, Nordica, and Tecnica.

11. In October 2007, SRDT sent a final pre-litigation notice to Giant's counsel (who had moved to yet another law firm), explaining why Giant had not yet been sued, asking Giant to sign a tolling agreement, and notifying Giant that suit would be filed if no tolling agreement was signed.

12. Giant's counsel emailed SRDT's counsel in response to the October 2007 letter asking for an extension of time which was given. No further response was made by Giant and thus suit was filed.

SWORN TO under penalty of perjury of the laws of the State of California  
and the United States, this 20<sup>th</sup> day of December, 2007.

/s/ Melody A. Kramer

Melody A. Kramer, Esq.  
Attorney for Plaintiff  
[mak@kramerlawip.com](mailto:mak@kramerlawip.com)

## **PROOF OF SERVICE**

I, J. Michael Kaler declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kaler Law Offices, 9930 Mesa Rim Road, Suite 200, San Diego, California, 92121. I am a member of the State Bar of California and the Bar of this Court.

On December 20, 2007, I served on the parties to this action the following documents:

**DECLARATION OF MELODY A. KRAMER IN OPPOSITION TO DEFENDANT  
GIANT INTERNATIONAL (USA) LTD.'S *EX PARTE* APPLICATION TO  
CONTINUE EARLY NEUTRAL EVALUATION CONFERENCE**

PERSON(S) SERVED	PARTY(IES) SERVED	METHOD OF SERVICE
Allison Goddard J. Christopher Jaczko Jaczko Goddard LLP 4401 Eastgate Mall San Diego, CA 92121 agoddard@jaczkogoddard.com cjaczko@jaczkogoddard.com 858-225-3500 FAX	Defendant Giant International (USA) Ltd.	Email – Pleadings Filed with the Court
Dale Lischer Elizabeth G. Borland Kerri A. Hochgesang Smith, Gambrell & Russell, LLP Promenade II, Suite 3100 1230 Peachtree St., N.E. Atlanta, GA 30309 404-685-6945 FAX	Defendant Giant International (USA) Ltd.	Email – Pleadings Filed with the Court

- (Personal Service) I caused to be personally served in a sealed envelope hand-delivered to the office of counsel during regular business hours.
  - (Federal Express) I deposited or caused to be deposited today with Federal Express in a sealed envelope containing a true copy of the foregoing documents with fees fully prepaid addressed to the above noted addressee for overnight delivery.
  - (Facsimile) I caused a true copy of the foregoing documents to be transmitted by facsimile machine to the above noted addressees. The facsimile transmissions were reported as complete and without error.

(Email) I emailed a true copy of the foregoing documents to an email address represented to be the correct email address for the above noted addressee.

(Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed this document via the CM/ECF system for the United States District Court for the Southern District of California.

I declare that the foregoing is true and correct, and that this declaration was executed on Thursday, December 20, 2007, in San Diego, California.

/s/ J. Michael Kaler

J. Michael Kaler

## **EXHIBIT A**



# Georgia Secretary of State

## Karen C. Handel

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### [Business Name History](#)

Name	Name Type
GIANT	
INTERNATIONAL	Current Name
(USA), LTD.	

Profit Corporation - Foreign - Information

Control No.:	0335272
Status:	Active/Compliance
Entity Creation Date:	6/26/2003
Jurisdiction:	DE
Principal Office Address:	3500 LENOX RD., STE. 630

ATLANTA GA  
30326

**Last Annual Registration Filed Date:**  
**Last Annual Registration Filed:** 2007

---

**Registered Agent**

**Agent Name:** GILLILAND, RATZ & BROWNING, P.C.

**Office Address:** 1455 LINCOLN PKWY. SUITE 300 ATLANTA GA 30346

**Agent County:**

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**Officers**

**Title:** CEO  
**Name:** Max Loong  
**Address:** 3500 LENOX RD., STE. 630 ATLANTA GA 30326

**Title:** CFO  
**Name:** Oscar Chung  
**Address:** 3500 Lenox Road Suite 630 Atlanta GA 30326

**Title:** Secretary  
**Name:** Charlie Ratz  
**Address:** 1455 Lincoln Parkway Suite 300 Atlanta GA 30346



Karen C Handel  
Secretary of State

**STATE OF GEORGIA**  
**2007 Corporation Annual Registration**

Control No: 0335272  
Date Filed: 10/25/2007 04:12 PM  
Karen C Handel  
Secretary of State

**OFFICE OF SECRETARY OF STATE**

Annual Registration Filings  
P.O. Box 23038  
Columbus, Georgia 31902-3038

Entity Control No. 0335272

Information on record as of: 10/25/2007

GIANT INTERNATIONAL (USA), LTD.  
3500 LENOX RD., STE. 630  
ATLANTA GA, 30326

Amount due from this entity is indicated below. Annual fee is \$30. If amount is more than \$30, total reflects amount(s) due from previous year(s). **Renew by April 1, 2007**

Renew at [www.georgiacorporations.org](http://www.georgiacorporations.org) or by submitting bottom portion with check payable to "Secretary of State".

Officer, address and agent information currently of record is listed below. Please verify "county of registered office." If correct and complete, detach bottom portion, sign, and return with payment. Or, enter changes as needed and submit. Complete each line, even if the same individual serves as Chief Executive Officer, Chief Financial Officer and Secretary of the corporation. Please PRINT LEGIBLY.

**Note:** Agent address must be a street address in Georgia where the agent may be served personally. A mail drop or P.O. Box does not comply with Georgia law for registered office. P.O. Box may be used for principal office and officers.

Any person authorized by the entity to do so may sign and file registration (including online filing).

Please return ONLY the original form below and fee. Other filings and correspondence should be sent to our Atlanta address: Corporations Division, 315 West Tower, #2 Martin Luther King Jr. Drive, Atlanta, GA 30334.

Visit [www.georgiacorporations.org](http://www.georgiacorporations.org) to file online or for more information on annual registration. Or, call 404-656-2817.

**Current information printed below. Review and update as needed. Detach original coupon and return with payment.**

CORPORATION NAME	ADDRESS	CITY	STATE	ZIP
GIANT INTERNATIONAL (USA), LTD.	3500 LENOX RD., STE. 630	ATLANTA	GA	30326
CEO: FRANK M. MYERS	3500 LENOX RD., STE. 630	ATLANTA	GA	30326
CFO:				
SEC:				
AGT: GERRY L. WILLIAMS	1170 PEACHTREE STREET STE 1900	ATLANTA	GA	30309
<b>IF ABOVE INFORMATION HAS CHANGED, TYPE OR PRINT CORRECTIONS BELOW:</b>				
Corporation Addr:				
CEO: Max Loong	3500 LENOX RD., STE. 630	ATLANTA	GA	30326
CFO: Oscar Chung	3500 Lenox Road, Suite 630	Atlanta	GA	30326
SEC: Charlie Ratz	1455 Lincoln Parkway, Suite 300	Atlanta	GA	30346
AGT: GILLILAND RATZ BROWNING P C	1455 LINCOLN PKWY SUITE 300 <small>P.O. BOX NOT ACCEPTABLE</small>	ATLANTA	GA	30346
I CERTIFY THAT I AM AUTHORIZED TO SIGN THIS FORM AND THAT THE INFORMATION IS TRUE AND CORRECT.		COUNTY OF REGISTERED OFFICE:	COUNTY CHANGE OR CORRECTION:	
AUTHORIZED SIGNATURE: Terry Uhrich		DATE: 10/25/2007	FULTON	
TITLE: Filer				

BR203 2007 Corporation Annual Registration

Amount Due: **\$30.00**

073 03352721 0030004 GIANTINTERNATIONALUS2

## **EXHIBIT B**



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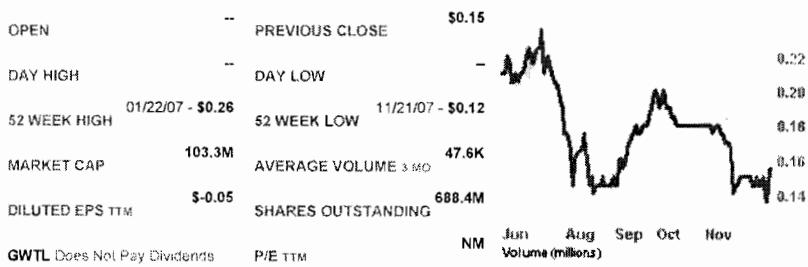
## Giant Wireless Technology Ltd. (GWTL:Singapore Exchange Securities Trading)

LAST \$0.15 bid CHANGE TODAY 0.00 0.00% VOLUME 0.0

[GWTL On Other Exchanges](#)

As of December 14, 2007 All times are local (Market data by Reuters is delayed by at least 20 minutes).

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K = Thousands M = Millions B = Billions

1 Day 5 Day 6 Month 1 Year 5 Year

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### GWTL DETAILS

Giant Wireless Technology Limited, through its subsidiaries, engages in the manufacture, trading, and distribution of telecommunication equipment. Its telecommunication products include CB radios, corded and cordless phone, voice over Internet protocol phones, family radio services, and Push-to-Talk mobile phones. The company markets its products through distributors, and wholesale and retail outlets. It operates primarily in Europe and the United States. Giant Wireless Technology is based in Kwan Tong, Hong Kong.

### TOP COMPENSATED OFFICERS

No compensation data is available at this time  
 for the top officers at this company.  
Executives, Board Directors

[www.giant.com.hk](http://www.giant.com.hk)

### KEY DEVELOPMENTS

Giant Wireless Technology Ltd. Appoints Yam Kwong Chun, Gary as Financial Controller  
10/20/2007

Giant Wireless Technology Ltd. announced the appointment of Yam Kwong Chun, Gary as the financial controller of the company with effect from August 20, 2007. During the past 10 years Mr. Yam is an associate member of the Hong Kong Institute of Certified Public Accountants and CPA Australia. He has more than 17 years of experience in auditing, accounting and financial capacity.

Giant Wireless Technology Ltd. Announces Earnings Results for the First Quarter Ended June 30, 2007  
08/13/2007

Giant Wireless Technology Ltd. announced earnings results for the first quarter ended June 30, 2007. The company reported a profit of HKD 10,926,000, profit attributable to equity shareholders of HKD 10,938,000 or